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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,111	09/08/2003	Heng-Jui Chang	FP9608	7042
<div>7590      09/26/2007</div> <div>LEONG C LEI PMB#1008 1867 YGNACIO VALLEY ROAD WALNUT CREEK, CA 94598</div> <div>EXAMINER IWARERE, OLUSEYE</div> <div>ART UNIT      PAPER NUMBER</div> <div>3609</div> <div>MAIL DATE      DELIVERY MODE</div> <div>09/26/2007      PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/656,111

Applicant(s)

CHANG ET AL.

Examiner

Oluseye Iwarere

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09/08/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 & 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 & 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/08/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is a first action Non-final on the merits. Claims 1 & 2 are pending and have been considered below.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "a server 41, servicing button 42, voice and image combined service device 43, the database 45" as described in the specification. In addition, Fig. 4 is missing. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 1 & 2 are objected to because of the following informalities: The phrase "linked to at least web page" in lines 5 and 18 should read "at least one web page". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claim 1, in line 5, it is unclear whether the "at least a servicing button" is corresponding to the servicing button in line 3.

As per Claim 2, in line 4, it is unclear whether the "at least a servicing button" is referring to the specific servicing button in claim 1.

The dependent Claim 2 recites features of the independent Claim 1 as if it were dependent. The recitation "and is directly connected to a surfing device at the customer end and the voice and image combined service device at the flower shop end, whereby

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the customer can directly choose product from the flower shop and interact with the flower shop end" does not further limit the parent claim.

Claim 2 recites the limitation "The e-commerce device" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 & 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugliese III et al. (2002/0,072,974).

As per claim 1, as best understood by the examiner, Pugliese teaches an e-commerce device providing instant voice and image for web page purchasing from a merchant comprises a server ([0010]; via the shopper and merchant are connected over the Internet or similar telecommunications network through a live interactive audio, video and data link in real time conversational or chat mode);

servicing button ([0408]; via the live Browser 2900 features two distinct components, a Live Browser, interactive screen saver and an Internet browser toolbar, both of which are integrated closely with the ShopLive applications);

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voice and image combined service device ([0010]; via the shopper and merchant are connected over the Internet or similar telecommunications network through a live interactive audio, video and data link in real time conversational or chat mode);

wherein the server is linked to at least one web page of the flower shop end having web page ([0009]; via a shopper enters the ShopLive environment through a ShopLive portal);

the voice and image combined service device is used to transmit a related information to correspond to the servicing button ([0178]; via video camera manipulation function 310 provides the ability for a shopper to manipulate a video station camera via the Internet. Through this API control the shopper is be able to pan, tilt and zoom capability using vertical or horizontal controls);

and is directly connected to a surfing device at the customer end and the voice and image combined service device at the flower shop end ([0010]; via the shopper and merchant are connected over the Internet or similar telecommunications network through a live interactive audio, video and data link in real time conversational or chat mode);

whereby the customer end can directly choose product from the flower shop and interact with the flower shop end ([0011]; via just like in a store or mall, the shopper may visit several stores and make several selections to purchase as they go along).

As per claim 2, as best understood by the examiner, Pugliese teaches wherein the electronic commerce device is used to provide web page purchasing from the flower

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shop and is used to provide web page purchasing from the flower shop ([0011]; via just like in a store or mall, the shopper may visit several stores and make several selections to purchase as they go along);

and the server is linked to at least one web page of the flower shop end having at least a servicing button ([0009]; via a shopper enters the ShopLive environment through a ShopLive portal);

the servicing button is corresponding and links to the voice and image combined service device of the flower shop end web page ([0178]; via video camera manipulation function 310 provides the ability for a shopper to manipulate a video station camera via the Internet. Through this API control the shopper is be able to pan, tilt and zoom capability using vertical or horizontal controls);

the voice and image combined service device is used to transmit a related information to correspond to the servicing button ([0010]; via display items via video camera or like device, refers the shopper to other merchants if they do not have the requested product, service, or intellectual assets, and provides information while describing features of the item as in an in-store shopping and sales encounter);

and is directly connected to a surfing device at the customer end and the voice and image combined service device at the flower shop end ([0010]; via the shopper and merchant are connected over the Internet or similar telecommunications network through a live interactive audio, video and data link in real time conversational or chat mode);

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whereby the customer end can directly choose product from the flower shop and interact with the flower shop end ([0010]; via shoppers in a typical shopping session establish contact with merchant(s) of a product(s), service(s), and/or intellectual asset(s) that the shopper is interested in purchasing through a centralized service or direct communication between buyer and seller).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pugliese, III et al. (2001/0,044,751) which discloses a system and method for displaying and selling goods and services, Su (2002/0,026,380) which discloses a shopping system of integrated electronic commerce and physical commerce, Wakefield (7,162,696) and Wakefield (2002/0,080,165) which discloses a method and system for creating, using and modifying multifunctional website hot spots.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oluseye Iwarere whose telephone number is (571) 270-5112. The examiner can normally be reached on Monday to Thursday 7:30am to 5 (EDT).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 272-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for



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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



OI

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Primary Examiner  
3627